

January 12, 2006

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

Re: ***Ex Parte Presentation* -- CC Docket Nos. 01-92; 98-170; ET Docket No. 05-247; CG Docket No. 04-208; WT Docket Nos. 05-193; 05-194**

Dear Ms. Dortch:

On Wednesday, January 11, 2006, Mike Altschul, Senior Vice President and General Counsel, Christopher Guttman-McCabe, Vice President, Regulatory Affairs, and Paul Garnett, Assistant Vice President, Regulatory Affairs, CTIA – The Wireless Association®, met with Cathy Seidel, Jim Schlichting, David Furth, Nese Guendelsberger, Peter Trachtenberg, John Branscome, and Paul Murray, all of the Wireless Telecommunications Bureau, to discuss the issues described below.

First, CTIA discussed difficulties both wireless and wireline carriers have identifying the originating carrier and jurisdiction of interconnected traffic – the so-called “phantom traffic” problem. CTIA noted that the best way to resolve this issue is for the Commission to adopt a unified system of interconnection, such as CTIA’s Mutually Efficient Traffic Exchange (METE) proposal. CTIA noted, however, that the proposals advanced by the United States Telecom Association (USTelecom), T-Mobile, and Verizon Corp. offer some relief by addressing the steps all carriers should implement within the regulatory limitations of the Commission’s current rules and the physical limitations of the circuit-switched Public Switched Telephone Network (PSTN).¹ CTIA referenced an *ex parte* letter it filed on January 3, 2006, detailing its position.²

Second, CTIA discussed a petition it has filed asking the FCC to declare that states are precluded from regulating early termination fees under section 332(c)(3)(A) of the Communications Act of 1934, as amended.³ CTIA also urged the FCC to

¹ See, e.g., A USTelecom Proposal for Commission Action on Phantom Traffic (Nov. 2005) (“USTelecom Proposal”) (attached to letter from Jeffrey S. Lanning, USTelecom, to Marlene H. Dortch, FCC, CC Docket No. 01-92, filed November 10, 2005); Letter from Donna Epps, Verizon, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 01-92, filed December 20, 2005 (“Verizon Response”); Letter from Thomas J. Sugrue, T-Mobile USA, Inc., to Marlene H. Dortch, FCC, CC Docket No. 01-92, filed December 22, 2005 (“T-Mobile Letter”).

² See Letter from Paul Garnett, CTIA-The Wireless Association®, to Marlene Dortch, FCC, CC Docket No. 01-92, filed January 3, 2006.

³ See Petition of the Cellular Telecommunications & Internet Association for an Expedited Declaratory Rulemaking, filed March 15, 2005.

prevent states from regulating wireless carrier billing and point of sale procedures, except for consumer protection laws of general applicability.⁴ If the FCC chooses to adopt rules governing the content of wireless carrier bills, it should establish exclusively federal truth-in-billing regulations for wireless carriers consistent with the *CTIA Consumer Code for Wireless Service*.

Finally, CTIA expressed concerns about unlawful restrictions imposed by the Massachusetts Port Authority ("Massport") on the installation and use of antennas to create Wi-Fi hotspots at Boston-Logan International Airport.^{5/} CTIA opposes Massport's efforts to exert exclusive control over a tenant's provision of unlicensed WiFi services at Boston-Logan Airport. Massport's actions undermine sound spectrum management policies limiting exclusive use of spectrum to entities that have obtained licenses from the FCC. CTIA urges the Commission to reaffirm its prior decisions in this area that restrictions imposed by landlords such as Massport on tenants' deployment of unlicensed wireless services in multi-tenant environments violate Over-the-Air Reception Devices ("OTARD") rules. CTIA referenced an *ex parte* letter it filed on January 4, 2006, detailing its position.⁶

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter, along with all of the materials distributed at the meeting, is being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ *Paul Garnett*

Paul Garnett

Cc: Cathy Seidel
Jim Schlichting
David Furth
Nese Guendelsberger
Peter Trachtenberg
John Branscome
Paul Murray

⁴ See CTIA Reply Comments in the Truth in Billing proceeding, CC Docket No. 98-170, CG Docket No. 04-208, at p. 43, filed July 25, 2005.

⁵ See Petition of Continental Airlines, Inc. for a Declaratory Ruling, filed July 7, 2005; Supplement to Petition of Continental Airlines, Inc. for a Declaratory Ruling, filed July 27. See also OET Seeks Comment on Petition from Continental Airlines for Declaratory Ruling Regarding Whether Certain Restrictions on Antenna Installation Are Permissible Under the Commission's Over-the-Air Reception Devices (OTARD) Rules, *Public Notice*, ET Dkt No. 05-247, DA 05-2213 (rel. July 29, 2005).

⁶ See Letter from Christopher Guttman-McCabe, CTIA-The Wireless Association®, to Marlene Dortch, FCC, ET Docket No. 05-247, filed January 4, 2006.